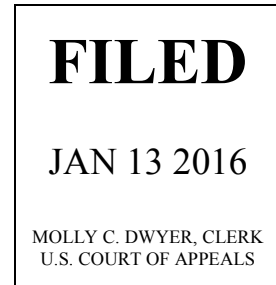


UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT



LYCURGAN, INC., a California
Corporation, DBA Ares Armor,

Plaintiff - Appellant,

v.

TODD JONES, in his official official
capacity as Director of the Bureau of
Alcohol, Tobacco, and Firearms
Enforcement,

Defendant - Appellee.

No. 15-55228

D.C. No. 3:14-cv-01679-JLS-BGS
U.S. District Court for Southern
California, San Diego

MANDATE

The judgment of this Court, entered November 18, 2015, takes effect this
date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:
Molly C. Dwyer
Clerk of Court

Rebecca Lopez
Deputy Clerk

FILED

UNITED STATES COURT OF APPEALS

NOV 18 2015

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LYCURGAN, INC., a California
Corporation, DBA Ares Armor,

Plaintiff - Appellant,

v.

TODD JONES, in his official official
capacity as Director of the Bureau of
Alcohol, Tobacco, and Firearms
Enforcement,

Defendant - Appellee.

No. 15-55228

D.C. No. 3:14-cv-01679-JLS-BGS
Southern District of California,
San Diego

ORDER

Before: REINHARDT, W. FLETCHER, and N.R. SMITH, Circuit Judges.

We conclude that the December 17, 2014 order and “judgment” dismissing appellant’s claim without prejudice was not intended to be a final and appealable order. *See Montes v. United States*, 37 F.3d 1347, 1351 (9th Cir. 1994) (the “First Judgment” dismissing an action without prejudice “was not intended to be a final and appealable order” where the district court permitted plaintiff to file an amended complaint “*after* entering the First Judgment”) (emphasis in original).

Accordingly, we dismiss this appeal for lack of jurisdiction.

DISMISSED.

SL/MOATT